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10/520,151	01/03/2005	Tadashi Kurita	450100-04672	5552

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EXAMINER	
TOPGYAL, GELEK W	

ART UNIT	PAPER NUMBER
2621	

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09/17/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/520,151	KURITA, TADASHI	
	Examiner	Art Unit	
	GELEK TOPGYAL	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 June 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *7-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. **Claim 21** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 21 specifically recites "a computer readable medium", however, there is no language in the instant specification that supports this limitation.

Response to Arguments

3. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 7-9, 11, 14-16, 18 and 21** are rejected under 35 U.S.C. 102(b) as being anticipated by Fukami et al. (US 5,477,396).

6. **Regarding claim 9,** Fukami teaches an apparatus comprising:

frequency dividing means for frequency-dividing a predetermined master clock for outputting a first clock frequency (Fig. 1 and col. 7, lines 14-27 of a first Sosc signal with frequency of 49.152MHz that is converted into a first 2Fs), and for frequency-dividing the predetermined master clock for outputting a second clock frequency (Fig. 1 and col. 7, lines 14-27 of a first Sosc signal with frequency of 49.152MHz that is converted into a second Fs), the second clock frequency being different from the first clock frequency;

determining means for determining an instruction provided by a user is a reproduction instruction or a recording instruction (Figs. 6, 9-11 and cols. 8-12 thoroughly discusses the multiple instructions that can be chosen to record/reproduce mostly via Dcont control data);

wherein when the instruction is a reproduction instruction (Fig. 6, reproducing options):

control means for determining whether a signal to be reproduced from a first storage medium has a sampling frequency equal to the second clock frequency (Fig. 6 and cols. 8-12, in a situation where the multi recording is performed, the sampling frequency is set to 2Fs, however, during reproduction of the recorded content in a normal mode, the sampling frequency is necessary to be Fs);

wherein when the sampling frequency is not equal to the second clock frequency (as discussed above):

the control means sets a frequency division ratio to generate a clock frequency equal to the sampling frequency; and clock selecting means for selecting the second clock frequency provided by the frequency dividing means based on the instruction provided by the user (As discussed above, when the reproduction is required to be in a normal mode, the 2Fs at which the signal is recorded needs to be divided to generate a sampling frequency of Fs. Fig. 1 shows that Fs can only be generated by dividing the 2Fs generated by the clock. Therefore the sampling frequency is matched to the Fs frequency required by the second clock frequency);

converting means for converting the signal based on the second clock frequency (during reproduction the data read from the medium is output according to the frequency of Fs);

wherein when the instruction is a recording instruction (Fig. 6, recording options):

the control means selects the first clock frequency (Fig. 6, multi recording mode selects Fs frequency);

converting means for converting the signal based on the first clock frequency (as discussed above, the data that is selected for a particular recording is stored on the DAT according to the frequency selected (i.e. 2Fs));

outputting means for outputting either the converted signal based on the first clock frequency or outputting the converted signal based on the second clock frequency

(cols. 8-12 teaches that after a multi recording mode is selected, the data is sent to the DAT via memory circuit 44).

Regarding apparatus claims 7-8 and 11, it is noted that the limitations cited therein are broader and are encompassed by the limitations as discussed in claims 9 above, and is therefore rejected as well.

Method claims 14-16 and 18 are rejected for the same reasons as discussed by the apparatus claim 9 above.

Computer-readable medium claim 21 is rejected for the same reasons as discussed in apparatus claim 9 above.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. **Claim 10 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukami et al. (US 5,477,396).

9. **Regarding claims 10 and 17**, the claimed limitation recited performs neither the recording or the reproducing function, however, Fukami et al. fails to teach wherein received audio can be output without recording. It is well known and old in the art to be able to listen (and not record) data on DAT player/recorder, and therefore Official Notice is taken. It would have been obvious to one of ordinary skill in the art at the time of the invention to listen to data on a DAT player/recorder into the system of Fukami et al. so

that the user is aware and cognizant of what is actually being recorded. It should also be noted that although Fukami teaches DAT player/recorder, the technology is closely and combinable with other prior art related to recording and reproducing video as well.

10. **Claims 12-13 and 19-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukami et al. (US 5,477,396) in view of McNeely et al. (US 4,782,391).

11. **Regarding claims 12-13 and 19-20**, Fukami et al. teaches all the limitations as recited in claims 9 and 18 above, however, fails to particularly teach wherein the determining means determines a user instruction for a selected mode of display; the control means selecting first signals from the first memory medium displayed as a master screen; and selecting second signals from the second memory medium displayed as a slave screen, wherein the displaying means displays the selected first signals and selected second signals in a picture in picture mode and wherein the master and slave screens are switched with each other.

In an analogous art, McNeely et al. teaches in col. 4, lines 34-44 of presenting a first signal as a full size image and also presenting a second signal as a reduced-sized small picture to be overlaid on top of the full size image as a choice to the user.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to display two different signals so that the user can choose which one is desired for watching or listening.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GELEK TOPGYAL whose telephone number is (571)272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gelek Topgyal/
Examiner, Art Unit 2621

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621